

February 21, 1995

STATE AFFAIRS — S.B. 452, C.S.S.B. 437

JURISPRUDENCE — S.B. 400 (Amended), S.B. 488 (Amended)

ECONOMIC DEVELOPMENT — S.B. 451, S.B. 533, C.S.S.B. 490

SENT TO GOVERNOR

(February 6, 1995)

S.C.R. 37

TWENTY-FIFTH DAY

(Wednesday, February 22, 1995)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Sims.

A quorum was announced present.

The Reverend Barbara Holloway, Chaplain, Seton Medical Center, Austin, offered the invocation as follows:

Lord, You have examined me and You know me. You know everything I do; from far away You understand all of my thoughts. You see me, whether I am working or resting; You know all my actions. Even before I speak; You already know what I will say. You are around me on every side. You protect me with Your power. Wherever I am, You are there to lead me, to guide me, and to turn my darkness into light.

Lord, may these words from Psalms be reassuring to Governor Bullock and each Senate Member this day and empower them spiritually to face their challenges with creativity. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

On motion of Senator Truan, Senator Sims was granted leave of absence for today on account of illness.

MESSAGE FROM THE HOUSE

House Chamber
February 22, 1995

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 100, Granting the American Legion permission to use the house and senate chambers for its Boys State program June 9, 1995.

Respectfully,

Cynthia Gerhardt, Chief Clerk
House of Representatives

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate:

H.C.R. 61

H.C.R. 72

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time, and referred to the committees indicated:

S.J.R. 38 by Rosson Education
Proposing a constitutional amendment to limit school district ad valorem tax increases on the residence homesteads of certain disabled persons.

S.J.R. 39 by Madla Education
Proposing a constitutional amendment to allow a public school teacher or faculty member of a public institution of higher education to serve as a member of the legislature.

S.B. 677 by Bivins Intergovernmental Relations
Relating to uniform rules on the hours of work by county employees.

S.B. 678 by Bivins Natural Resources
Relating to financing of alternative fuels infrastructure by the Texas Public Finance Authority on behalf of state agencies, political subdivisions, and other eligible entities.

S.B. 679 by Wentworth Jurisprudence
Relating to civil liability of certain complaining witnesses for the cost of criminal prosecution.

S.B. 680 by Shapiro Intergovernmental Relations
Relating to the cancellation of certain city council elections.

S.B. 681 by Ellis Economic Development
Relating to the creation of the small business environmental compliance funding program.

S.B. 682 by Wentworth Criminal Justice
Relating to the authority of certain honorably retired federal law enforcement officers to carry certain weapons.

S.B. 683 by Madla Natural Resources
Relating to the opportunity for a hearing before the construction of certain concrete plants.

S.B. 684 by Madla Finance
Subcommittee on Veteran Affairs
Relating to the taxation of a motor vehicle purchased in another state by a member of the armed services.

S.B. 685 by Cain Intergovernmental Relations
Relating to annexation by general-law municipalities.

S.B. 686 by Cain State Affairs
Relating to the administration of the alcoholic beverage tax stamp program.

S.B. 687 by Cain, Moncrief Health and Human Services
Relating to the personal needs allowance for certain Medicaid recipients who are residents of long-term care facilities.

S.B. 688 by Cain State Affairs
Relating to the use of reclaimed asphalt pavement.

S.B. 690 by Cain State Affairs
Relating to benefits payable by the Judicial Retirement System of Texas Plan Two.

S.B. 691 by West Jurisprudence
Relating to the appointment of an acting county judge.

S.B. 692 by West Natural Resources
Relating to costs associated with investigating environmental crimes; and making an appropriation.

S.B. 693 by West Criminal Justice
Relating to prison inmate liability for destruction of property at the Texas Department of Criminal Justice.

S.B. 694 by Montford Education
Relating to the exemption from tuition of a resident student enrolled in the Southwest Collegiate Institute for the Deaf.

GUESTS PRESENTED

Senator Nelson, joined by Senator Cain, was recognized and introduced to the Senate a delegation from Leadership Waxahachie.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Patterson was recognized and introduced to the Senate Phillip and Mirelle Gonnet, parents of Sandrine Gonnet, from Saint Étienne in the

Republic of France. Sandrine is a friend of Senator Patterson's daughter, Emily.

The Senate welcomed its guests.

GUEST PRESENTED

Senator West was recognized and introduced to the Senate Dallas County Commissioner John Wiley Price.

The Senate welcomed Commissioner Price.

SENATE RESOLUTION 275

Senator Truan offered the following resolution:

S.R. 275, Recognizing February 22, 1995, as Corpus Christi Day.

The resolution was again read.

On motion of Senator Cain and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was previously adopted on Tuesday, February 21, 1995.

GUESTS PRESENTED

Senator Truan was recognized and introduced to the Senate Greater Corpus Christi Business Alliance Chief Executive Director Keith Arnold; member of the Board of Directors, Greater Corpus Christi Business Alliance, Fred Heldenfels IV; Corpus Christi Independent School District Superintendent, Dr. Abe Saavedra; Texas A&M University at Corpus Christi President, Dr. Bob Furgason; Vice President of Instruction and Student Services at Del Mar College, Dr. Jo Kostoch; Chair of the Black Chamber of Commerce of Corpus Christi, Beverly Winters; and a delegation of citizens from Corpus Christi here today in honor of Corpus Christi Day.

The Senate welcomed its guests.

(Senator Brown in Chair)

(President in Chair)

CAPITOL PHYSICIAN

The President recognized Senator Armbrister, who presented Dr. Wilford Morris of Sealy as the "Doctor for the Day."

Dr. Morris, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was made welcome by the Senate.

SENATE RESOLUTION 188

Senator Shapiro offered the following resolution:

S.R. 188, Recognizing February 22, 1995, as Collin County Day.

SHAPIRO
HAYWOOD

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Shapiro, the resolution was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Shapiro, joined by Senator Haywood, was recognized and introduced to the Senate a delegation of citizens from Collin County.

Senator Haywood also introduced to the Senate County Judge Ron Harris and Sheriff Terry Box of Collin County.

The Senate welcomed its guests.

HOUSE CONCURRENT RESOLUTION 61

The President laid before the Senate the following resolution:

H.C.R. 61, Designating February 22, 1995, as Rusk County Day.

RATLIFF

The resolution was again read.

The resolution was previously adopted on Monday, February 20, 1995.

(Senator Shapiro in Chair)

GUESTS PRESENTED

Senator Ratliff was recognized and introduced to the Senate Rusk County Chamber of Commerce President Carol Jerrell, Rusk County Chamber of Commerce Legislative Committee Chair Bill Preston, City of Overton Mayor Robert Raney, Tatum Independent School District Board Member Corrinne Young, Henderson Independent School District Board Member Tommy Young, and a Rusk County delegation here in honor of Rusk County Day.

The Senate welcomed its guests.

SENATE RESOLUTION 219

Senator Armbrister offered the following resolution:

S.R. 219, Declaring February 22, 1995, as Matagorda County Day.

The resolution was again read.

The resolution was previously adopted on Wednesday, February 15, 1995.

GUESTS PRESENTED

Senator Armbrister was recognized and introduced to the Senate Bay City Chamber of Commerce and Agriculture President Jim Frankson;

Matagorda County Judge Loy Sneary; Mayor of Bay City Charles Martinez, Jr.; co-chairs of Matagorda County, Carolyn Reed and Harriet Townsend; District Judge Jo Ann Ottis; and a delegation of citizens from Matagorda County here in honor of Matagorda County Day.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The Presiding Officer at 11:22 a.m. announced the conclusion of morning call.

(President in Chair)

MOTION TO PLACE SENATE BILL 65 ON SECOND READING

Senator Moncrief moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that **S.B. 65** be taken up for consideration at this time:

S.B. 65, Relating to minimum standards for smoking in certain public places or at certain public meetings; creating an offense and providing penalties.

The motion was lost by the following vote: Yeas 24, Nays 5. (Not receiving four-fifths vote of membership)

Yeas: Armbrister, Barrientos, Bivins, Cain, Gallegos, Galloway, Harris, Haywood, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nixon, Patterson, Ratliff, Shapiro, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Brown, Henderson, Nelson, Rosson, Sibley.

Absent: Ellis.

Absent-excused: Sims.

(Senator Truan in Chair)

SENATE CONCURRENT RESOLUTION 66

Senator Rosson offered the following resolution:

S.C.R. 66, Declaring support of the El Paso region as the pilot site for the Intermodal Installation Program.

ROSSON	MONCRIEF
ARMBRISTER	MONTFORD
BARRIENTOS	NELSON
BIVINS	NIXON
BROWN	PATTERSON
CAIN	RATLIFF
ELLIS	SHAPIRO
GALLEGOS	SIBLEY
GALLOWAY	TRUAN

HARRIS	TURNER
HAYWOOD	WENTWORTH
HENDERSON	WEST
LEEDOM	WHITMIRE
LUCIO	ZAFFIRINI
LUNA	BULLOCK
MADLA	

The resolution was read.

On motion of Senator Rosson and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

(President in Chair)

SENATE BILL 456 REREFERRED

On motion of Senator Lucio and by unanimous consent, **S.B. 456** was withdrawn from the Committee on Education and was rereferred to the Committee on Economic Development.

SENATE BILL 452 ON SECOND READING

Senator Rosson moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that **S.B. 452** be taken up for consideration at this time:

S.B. 452, Relating to powers and duties of the Texas Ethics Commission, to powers and duties of persons acting under certain laws administered by the commission, and to the registration of persons who represent inmates for compensation.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 452 ON THIRD READING

Senator Rosson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 452** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by a viva voce vote.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider the executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Bivins.

Senator Bivins moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

Senator Barrientos requested that the following nominee be severed:

To be a Member of the PUBLIC UTILITY COMMISSION OF TEXAS:
Patrick Henry Wood III, Travis County.

The request was granted.

NOMINEES CONFIRMED

The following nominees, not severed and reported yesterday by the Committee on Nominations, were confirmed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

Executive Director of the Texas Department of Commerce:
BRENDA F. ARNETT, Harris County.

Members, The University of Texas System Board of Regents:
LINNET F. DEILY, Harris County; DONALD L. EVANS, Midland County;
THOMAS O. HICKS, Dallas County; THOMAS G. LOEFFLER,
Bexar County.

Members, International Trade Commission Governing Board:
J. DAVID BAMBERGER, Blanco County; PATRICIA J. SMOTHERS,
Bexar County.

Members, Texas-Mexico Authority Advisory Board: CARL JAMES
KRUSE, Cameron County; LILLIAN A. LAMON, Cameron County.

NOMINEE CONFIRMED

Senator Bivins moved that the following nominee be confirmed:

Member, Public Utility Commission of Texas: PATRICK HENRY
WOOD III, Travis County.

The nominee was confirmed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

GUESTS PRESENTED

Senator Luna was recognized and introduced to the Senate the Mariachi Band from Irving Middle School of the San Antonio Independent School District.

The Senate welcomed its guests.

MOTION IN WRITING

Senator Barrientos submitted the following Motion In Writing:

Mr. President:

I move to suspend all necessary rules (1) to instruct the Senate Committee on Nominations during its meeting on Monday,

February 27, 1995, to consider the nomination of Sarah J. Goodfriend to the Public Utility Commission in a public hearing and to vote to return her nomination to the Senate; (2) to instruct the Senate Committee on Nominations to return Ms. Goodfriend's nomination to the Senate on Monday, February 27, 1995, with any other nominations reported from the committee; (3) to instruct that Ms. Goodfriend's nomination be reported to the Senate on Tuesday, February 28, 1995, with any other nominations reported from the committee; (4) to instruct that, immediately after her nomination is reported to the Senate, notice be given with any other nominations reported from committee that her nomination would be considered at the conclusion of the next morning call; and (5) to provide that her nomination be considered on a timely basis by the Senate at the conclusion of the next morning call.

BARRIENTOS

The motion failed of adoption by the following vote: Yeas 16, Nays 14. (Not receiving two-thirds vote of Members present)

Yeas: Armbrister, Barrientos, Cain, Ellis, Gallegos, Lucio, Luna, Madla, Moncrief, Montford, Rosson, Truan, Turner, West, Whitmire, Zaffirini.

Nays: Bivins, Brown, Galloway, Harris, Haywood, Henderson, Leedom, Nelson, Nixon, Patterson, Ratliff, Shapiro, Sibley, Wentworth.

Absent-excused: Sims.

MOTION TO PLACE SENATE BILL 65 ON SECOND READING

Senator Moncrief again moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that **S.B. 65** be taken up for consideration at this time:

S.B. 65, Relating to minimum standards for smoking in certain public places or at certain public meetings; creating an offense and providing penalties.

The motion was lost by the following vote: Yeas 23, Nays 7. (Not receiving four-fifths vote of membership)

Yeas: Armbrister, Barrientos, Bivins, Cain, Ellis, Gallegos, Galloway, Haywood, Leedom, Luna, Madla, Moncrief, Montford, Nixon, Patterson, Ratliff, Shapiro, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Brown, Harris, Henderson, Lucio, Nelson, Rosson, Sibley.

Absent-excused: Sims.

MEMORIAL RESOLUTION

S.C.R. 64 - By Barrientos: In memory of Phillip Lafayette Bible, Jr.

CONGRATULATORY RESOLUTIONS

S.C.R. 63 - By Ellis: Congratulating the University of Houston-Downtown for two decades of service to Texas.

S.R. 289 - By Nelson: Recognizing Barbara Fowler on the occasion of her retirement from her years of service as Denton County Extension Agent for Family and Consumer Sciences.

S.R. 290 - By Nelson: Congratulating Dr. James L. Garlow on the occasion of his 12th anniversary as pastor of the Metroplex Chapel in Euless.

S.R. 291 - By West: Recognizing Betty J. Anderson of Dallas who is receiving the Sojourner Truth Award from the Business and Professional Women's Club.

S.R. 292 - By Lucio: Congratulating Mr. and Mrs. Buddy Falgout on the occasion of their 41st wedding anniversary.

H.C.R. 9 - (Lucio): Designating February 1995 as Public School Board Members Month in Texas.

H.C.R. 63 - (Nixon): Designating February 23, 1995, as Panola County Day.

ADJOURNMENT

On motion of Senator Truan, the Senate at 12:35 p.m. adjourned until 10:00 a.m. tomorrow.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

February 21, 1995

NATURAL RESOURCES — **S.B. 550, C.S.S.B. 298, S.B. 480**
(Amended)

February 22, 1995

INTERGOVERNMENTAL RELATIONS — **S.B. 433, S.B. 561, S.B. 270, S.B. 287, S.B. 520** (Amended), **S.B. 312** (Amended), **S.B. 563** (Amended), **S.B. 450** (Amended)

HEALTH AND HUMAN SERVICES — **S.B. 131, S.B. 196, S.B. 212, S.B. 497** (Amended), **C.S.S.B. 133**

NATURAL RESOURCES — **C.S.S.B. 432**